## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:05CR266

UNITED STATES OF AMERICA,	)	
	)	
Vs.	)	ORDER
	)	
DAVID DOMINGUEZ,	)	
	)	
Defendant.	)	
	)	

THIS MATTER coming on to be heard and being heard before the undersigned on January 17, 2006 pursuant to an Order of United States District Judge Lacy H. Thornburg filed on January 6, 2006 referring the above referenced matter to the undersigned for an *in camera* hearing as set forth under Rule 412(c) of the Federal Rules of Evidence, and it appearing to the court at the call of this matter on for hearing that both the defendant and the government requested that the hearing in this matter be rescheduled and it further appearing to the undersigned that after discussion with counsel for the defendant and the United States Attorney that a time line would be helpful for the filing of motions and scheduling of various hearings in regard to the disposition of this matter. During the discussion, the undersigned advised counsel for the defendant and the Assistant United States Attorney that the following time lines might be helpful:

<u>DATE</u> <u>OCCURRENCE</u>

February 1, 2006

Filing of a written motion by the defendant as set forth under Rule 412(c)(1)(A) describing the evidence that the defendant wishes to present and stating the purpose of which the evidence is offered as set forth under Rule 412(b)(1) and that said motion be served on all parties, including the alleged victim.

February 7, 2006 An *in camera* hearing to afford the victim an

opportunity to appear at which time the

undersigned may, in his discretion, appoint counsel for the victim as set forth by the Order of Judge

The making filed on language C 2000

Thornburg filed on January 6, 2006.

February 14, 2006 An in camera hearing pursuant to Rule 412(c) of the

Federal Rules of Evidence.

After proposing this time line the undersigned was advised that there was no objection thereto by either the defendant or the government.

## **ORDER**

## IT IS, THEREFORE, ORDERED that:

- 1) That the defendant file a written motion as set forth under Rule 412(c) describing the evidence that the defendant wishes to present as set forth under Rule 412(b)(1) and stating in said motion the purpose for which it is offered. The defendant shall further serve this motion on all parties, including the alleged victim in this matter;
- 2) That on February 7, 2006 the undersigned shall conduct an *in camera* hearing with the victim to consider the issue of whether or not the victim desires for counsel to be appointed to represent her in this matter; and
- 3) That on February 14, 2006 there shall be an *in camera* hearing at which time the defendant's motion shall be heard and which shall afford the victim and the parties a right to attend and be heard.

Signed: January 26, 2006

Dennis L. Howell United States Magistrate Judge